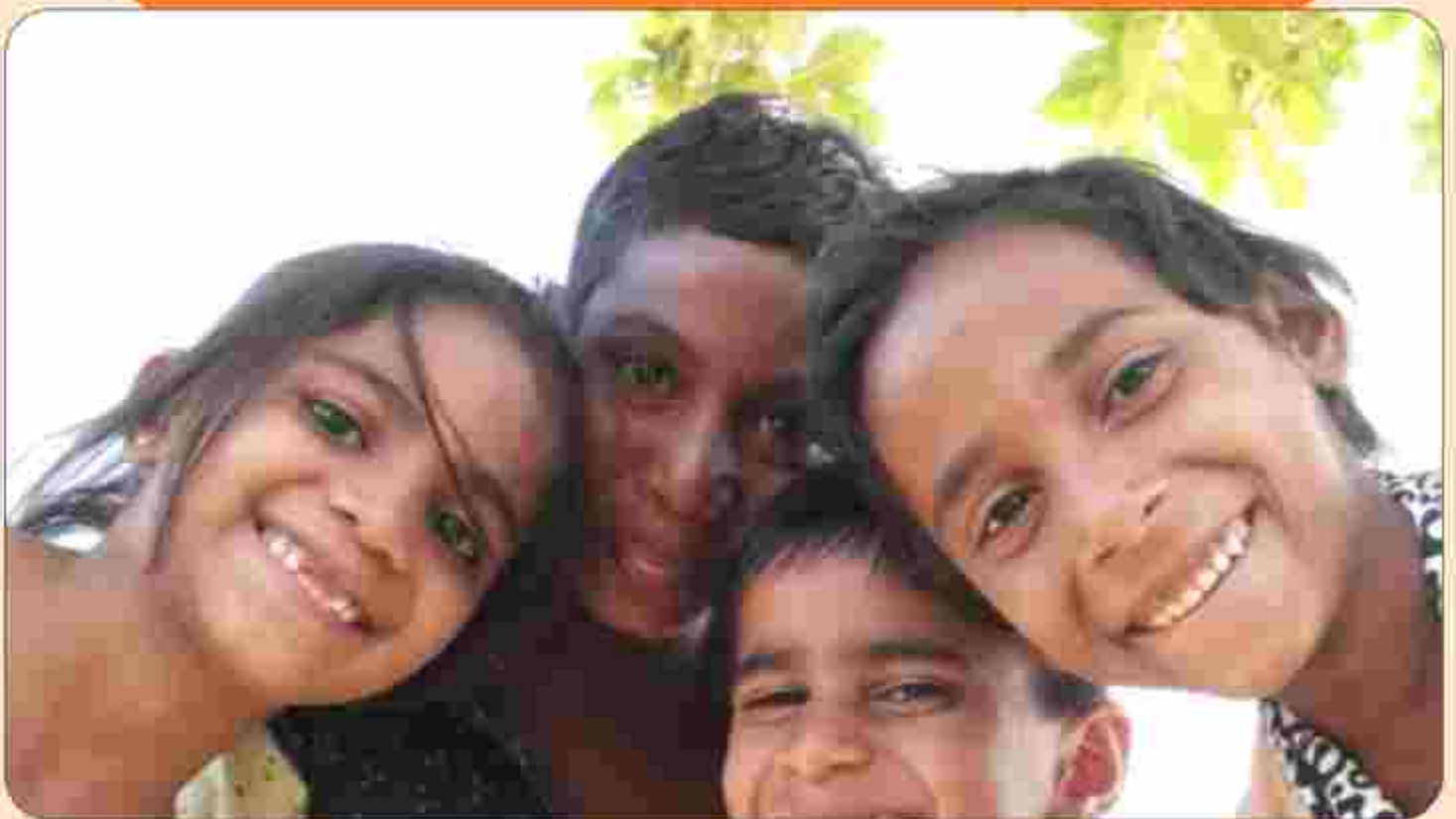


HANDBOOK FOR TRAINING ON BASICS OF CHILD PROTECTION FOR FRONTLINE SERVICE PROVIDERS AND PRI MEMBERS



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1. Preface to the Hand Book :

The BMZ (The Federal Ministry of Economic Cooperation and Development (Germany)), World Vision Germany and World Vision India in collaboration with PECUC (The People's Cultural Centre) Secretariat of NACG-EVAC initiated a project for **"Child Protection Workforce Capacity Building to End Child Sexual Abuse in India"** in the four districts of Delhi and six districts of Odisha. It aims at reaching different stakeholders like Children, Parents and caregivers, formal and informal Child Protection (CP) stakeholders; Civil Society Organizations through capacity building and advocacy to demonstrates behaviours that provide a protective environment for all girls and boys, especially the most vulnerable.

Every child has the right to be safe from harm. Nevertheless, every year the lives and physical, mental and emotional well-being of millions of children around the world are threatened by maltreatment such as abuse, neglect, violence and exploitation.

The impacts of the COVID-19 pandemic are far-reaching and will be borne by children for years to come. For millions, learning has come to a halt and essential health services like the delivery of life-saving vaccines are out of reach. Others have been plunged into a lifelong cycle of poverty. Children around the world have had their lives upended because of actions taken to contain COVID-19. Families are facing heightened stress under lockdown. And children are missing out on life-saving vaccines and much-needed free meals.

Sadly, as this State of the World's Children report shows, far too many of our children and young people are not getting the diets they need, which is undermining their capacity to grow, develop and learn to their full potential. That hurts not just individual children and young people, it hurts us all. This situation forces us to ask some difficult questions: How is it in the 21st century that we still have 149 million children under 5 with stunting and almost 50 million with wasting? ... We already know so much of what works to prevent malnutrition in all its forms, from conception, through early childhood and into adolescence. But this is a battle we cannot win on our own. It needs the political determination of national governments, backed by clear financial commitments, as well as policies and incentives that encourage the private sector's investment in nutritious, safe and affordable food for children, young people, women and families. - Henrietta H. Fore UNICEF Executive Director (*The state of the world's children 2019 children, food and nutrition, growing well in a changing world*).

The report says that - at least 1 in 3 children under 5 is undernourished or overweight and 1 in 2 suffers from hidden hunger, undermining the capacity of millions of children to grow and develop to their full potential. This shows the situation of malnutrition of the children in the world.

A number of reports project our widespread failure to protect our children. 0.5-1.5 billion children experiencing violence each year (Pinheiro 2006), 150 million girls and 73 million boys who are raped or subject to sexual violence (WHO 2000), and 115 million children engaged in extremely harmful forms of work (ILO 2010). Many girls and boys die each year because they are abused, neglected or exploited. Vulnerable children that survive into adulthood can be at a significant disadvantage, with many experiencing developmental delays, gaps in their schooling and mental and physical health problems due to their maltreatment. The stigma, discrimination and diminished life chances faced by children who are abused, exploited and neglected exacerbates inequity.

This global crisis represents a major violation of children's rights; an unacceptable situation, which must be remedied urgently, no matter what should be the costs.

3. Implications of Child Rights in Indian context with a focus on Delhi and Odisha

3.1 Defining a Child:

The United Nations Convention on the Rights of the Child defines child as "a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier". This is ratified by India in 1992.

Defining what age a person is or ceases to be a child is a constant debate in the India. The Census of India considers children to be any person below the age of 14, as do most government programmes. Biologically childhood is the stage between infancy and adulthood. According to the UNCRC 'a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier'. This definition of child allows for individual countries to determine according to the own discretion the age limits of a child in their own laws. But in India various laws related to children define children in different age limits.¹

According to **Article 21 (a) of the Indian Constitution**¹ all children between the ages of six to fourteen should be provided with free and compulsory education. Article 45 states that the state should provide early childhood care and education to all children below the age of six. Lastly Article 51(k) states the parents/guardians of the children between the ages of six and fourteen should provide them with opportunities for education.

3.4 Why do children need special attention?



- Children are more vulnerable than adults to the conditions under which they live.
- In most societies, including ours, views persist that children are their parents' property, or are adults in the making, or are not yet ready to contribute to society.
- Children are not seen as people who have a mind of their own, a view to express, the capacity to make a choice and an ability to decide.
- Instead of being guided by adults, their life is decided by adults.
- Children have no votes or political influence and little economic power. Too often, their voices are not heard. Children are particularly vulnerable to exploitation and abuse.

¹<http://childlineindia.org.in/child-in-india.htm>

²The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine.

3.5 Child Rights and CRC

Survival rights: include the child's right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services.

Development rights: include the right to education, play, leisure, cultural activities, and access to information, and freedom of thought, conscience and religion.

Protection rights: ensure children are safeguarded against all forms of abuse, neglect and exploitation, including special care for refugee children; safeguards for children in the criminal justice system; protection for children in employment; protection and rehabilitation for children who have suffered exploitation or abuse of any kind.

Participation rights: encompass children's freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully. As their capacities develop, children should have increasing opportunity to participate in the activities of society, in preparation for adulthood.

4. Child Protection in Indian Constitution and UNCRC

4.1 What Is Child Protection?

Child Protection is any measure or initiative that addresses or prevents children from situations of violence, abuse, neglect and exploitation. It refers to protecting children from or against any perceived or real danger/risk. It also means protecting children against social, psychological and emotional insecurity and distress. Children need protection in the family, school and community, so that they can be safe, survive, grow, learn and develop to their fullest potential. Every child has right to protection to ensure that they remain within the social security & protective net. This not only includes children who are in difficult circumstances and those who have suffered violence, abuse and exploitation, but also those who are not in any of these undesirable situations and yet need to be protected. Often the phrases 'Child Protection' and 'Safeguarding' are used synonymously, but they are quite distinct. Safeguarding refers to all children, whilst Child Protection refers distinctly to children at risk of harm.

Constitutional Guarantees that are meant specifically for children include:

- Right to free and compulsory elementary education for all children in the 6–14 years age group (Article 21A)
- Right to be protected from any hazardous employment till the age of 14 years (Article 24)
- Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e))
- Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39 (f))
- Right to early childhood care and education to all children until they complete the age of six years (Article 45)

Besides, Children also have rights as equal citizens of India, just as any other adult male or female:

- Right to equality (Article 14)
- Right against discrimination (Article 15)
- Right to personal liberty and due process of law (Article 21)
- Right to being protected from being trafficked and forced into bonded labour (Article 23)
- Right of minorities for protection of their interests (Article 29)
- Right of weaker sections of the people to be protected from social injustice and all forms of exploitation (Article 46)
- Right to nutrition and standard of living and improved public health (Article 47)

According to the Integrated Child Protection Scheme (ICPS), child protection means keeping children safe from a risk or perceived risk to their lives or childhood. It recognises that children are vulnerable and thus the vulnerability needs to be reduced by offering them protection from harm and harmful situations. It is a framework or a system that consists of various duty bearers like the police, schools, government and civil society who have to play their respective roles to ensure that child rights are fulfilled. In this case protection is a means through which other rights of the child can be upheld.

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5. Major Child Protection Laws (JJAct, POCSO, PCMA, ITPA, PC&PNDT, CPR etc) with case examples and illustration,

5.1 Juvenile Justice (Care and Protection of Children) Act 2015

The Juvenile Justice (Care and Protection of Children) Act 2015, referred to as 'the JJ Act', is the overarching legislation prevailing in India regarding protection of children. The JJ Act deals with children in conflict with the law, and children in need of care and protection; it acknowledges that children falling within both these categories require 'care and protection'. Juvenile legislation creates a separate system to handle cases of children alleged to have committed an offence, namely, the juvenile justice system, whose objective is rehabilitation.

In the act, a "child" is defined under the act as "a person who has not completed eighteen years of age.

The facilitator would explain that there are 16 Most Important Fundamental Principles of Juvenile Justice (Care and Protection of Children) Act 2015 which has been explained under Section 3 of the JJ Act, 2015. All the statutory bodies like CWC/JJB/SJPU etc will be guided by these principles.

Sl	Principles	Explanation
1	Principle of presumption of innocence	Any child shall be presumed to be an innocent of any malafide or criminal intent up to the age of eighteen years. It simply states that whatever be the act committed and whatever be the circumstances and whether it is done by himself or under the control of the adults or with the influence of peer group should always be considered that the said Act has been committed without mensrea i.e. the Principle of presumption of innocence should be applied for all those activities which has been covered or explicitly stated in the Rule.
2	Principle of dignity and worth	All human beings shall be treated with equal dignity and rights. This principle mandates the agencies involved in the JJ Act are to treat the child with dignity and worth and not to label, stigmatize or discriminate the child. It also mandates the authorities to respect the personal identity and such other things relating to the child right from initial apprehension till the aftercare is over.
3	Principle of participation	Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.
4	Principle of best interest	All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential. The protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/ retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders.
5	Principle of family responsibility	In a family, a child is introduced to emotions like love and security. The social values and cultural aspects of the community are inculcated in the child within the family background. Though many functions of family like education, health, recreation etc. are being taken up by other social institutions, the family retains its importance as a constituent entity and building block of all societies and communities. Thus, the principle of family responsibility plays a vital role in the

		administration of juvenile justice as an informal care and all authorities functioning under the JJA should take all the necessary decisions of the child with the active involvement of the family of the children, who are in need of care and protection or in conflict with law.
6	Principle of safety	All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter. It also mandates that the state shall not use restrictive measures in the name of safety of the child.
7	Positive measures	All resources are to be mobilized including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce the vulnerabilities of children and the need for intervention under this Act. The term positive measures include the — avenues for health, education, relationships, livelihoods, leisure, creativity and play.
8	Principle of non-stigmatizing semantics	Adversarial or accusatory words are not to be used in the processes pertaining to a child. For example, it mandates to avoid the following wordings in the process of administration of Justice relating to children, who are in conflict with law. It includes the following — arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody or jail.
9	Principle of non-waiver of rights	No waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Board or a Committee and any non-exercise of a fundamental right shall not amount to waiver.
10	Principle of equality and non-discrimination	There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability, health, status, race, religion, cultural practices, work, activity or behaviour of the child or that of his parents or guardians, or the civil and political status of the child. This principle also includes that equality of access, opportunity and treatment shall be provided to every child.
11	Principle of right to privacy and confidentiality	Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process. In other words, no report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in need of care and protection or a child in conflicts with law or a child victim or witness of a crime.

12	Principle of institutionalization as a measure of last resort	Deprivation of liberty has negative consequences for the child's harmonious development and seriously hampers his/her reintegration in society. A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.
13	Principle of repatriation and restoration	Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest. (This principle should be read alongside of principle of family responsibility)
14	Principle of fresh start	The principle of fresh start signifies a new beginning in the life of the child in conflict with law. All past records of any child under the Juvenile Justice system should be erased except in special circumstances.
15	Principle of diversion	Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.
16	Principles of natural justice	Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.

5.1.2 Who is a "child in need of care and protection"?

Under Section 2(14) of the JJ Act, A child who is:

- Homeless
- Having incapacitated parent
- Abandoned, missing or runaway
- Victim of natural and man-made calamity
- Victim of abuse and exploitation
- Mentally or physically challenged
- Mentally or physically ill
- HIV/AIDS affected or infected
- Suffering from terminal illnesses
- Trafficked- for labour and/or sexual purposes
- Child found working in contravention of labour laws
- Street Children
- Surrendered children
- Child Beggar
- Child to be indulged into substance abuse
- Child who is being or is likely to be abused for unconscionable gains
- Child who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnization of such marriage

5.1.3 Who is a Child in Conflict with Law?

“Child in conflict with law” means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence; (Sec-2(13).

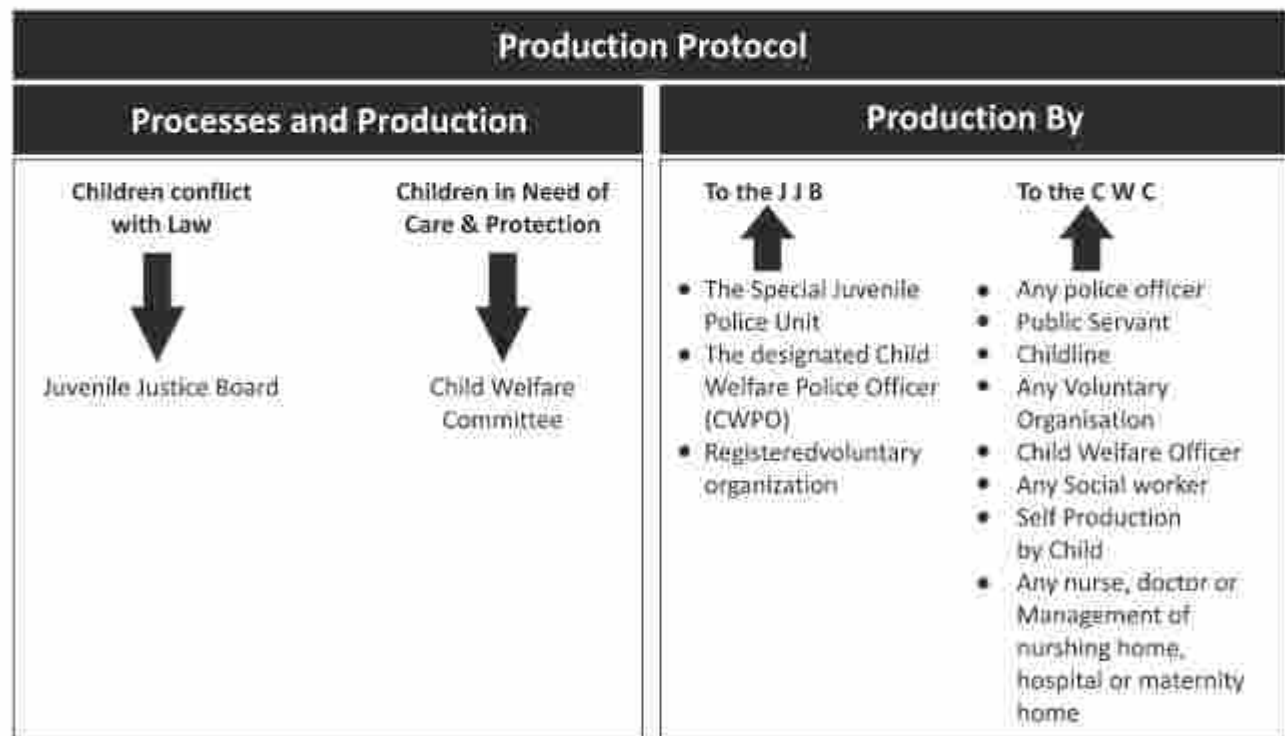
5.1.4 What is the Child Welfare Committee?

A Child Welfare Committee, referred to as 'the Committee', handles cases of children in need of care and protection – rehabilitation, adoption, reintegration, restoration [section 1(4) (ii)]. The Committee should comprise of a Chairperson and four other members, at least one of whom should be a woman and another an expert on matters concerning children.[section 27(2)] .It functions as a Bench of Magistrate of First Class.

A child may be produced before the Committee by a Police Officer; Special Juvenile Police Unit; Child Welfare Police Officer; District Child Protection Unit; public servant; CHILDLINE services; voluntary or non-governmental organisation; Child Welfare Officer or Probation Officer; social worker or public spirited citizen; child himself; or any nurse, doctor or management of a nursing home, hospital or maternity home [section 31]. In short, any person may produce a child before the Committee as a child in need of care and protection.

5.1.5 What is the Juvenile Justice Board?

The Board comprises of a Judicial Magistrate (Judicial Magistrate of the First Class or Metropolitan Magistrate – depending on whether the Board is for a metropolitan area or other than metropolitan area) and two social workers, at least one of whom should be a woman. [Section 4(2)]. The composition of the Board denotes that it follows a 'socio- legal approach' –the social worker members play a crucial role to satisfy the objective of rehabilitation.



5.1.6 Classification of Offence:

Heinous	Where an offence under this Act is punishable with imprisonment for a term more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Children's Court.
Serious:	Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Magistrate of First Class.
Petty	Where an offence, under this Act, is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable, bailable and triable by any Magistrate.

5.1.7 Other Offences against Children:

Section 74 - Prohibition on disclosure of identity of children; Section 75 - Punishment for cruelty to child;

Section 76 - Employment of child for begging;

Section 77 - Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child;

Section 78 - Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance;

Section 79 - Exploitation of a child employee;

Section 80 - Punitive measures for adoption without following prescribed procedures; Section 81 - Sale and procurement of children for any purpose;

Section 82 - Corporal punishment;

Section 83 - Use of child by militant groups or other adults; Section 84 - Kidnapping and abduction of child.

Section 85 - An offence committed against a disabled child under this Chapter is punishable by 'twice the penalty provided for such offence

Alternative Care

The JJ Act also provides for Alternative Care (non-institutional care) – Adoption (Chapter VIII); Foster Care (section 44); Sponsorship (section 45); After-care (section 46) – the Committee and / or the Board play an important role regarding such placement of a child to ensure that he is in a family or community-setting.

Understanding Child Sexual Abuse

Sexual abuse toward children and adolescents is a stark reality worldwide. A common misperception about child sexual abuse (CSA) is that it is a rare event perpetrated against girls by male strangers in poor, inner-city areas. To the contrary, CSA is a much too common occurrence that results in harm to millions of children, boys and girls alike, in large and small communities, and across a range of cultures and socioeconomic backgrounds. These acts are perpetrated by many types of offenders, including men and women, strangers, trusted friends or family, and people of all sexual orientations, socioeconomic classes, and cultural backgrounds.

What is Child Sexual Abuse?

When a child or young person is sexually abused, they're forced or tricked into sexual activities. They might not understand that what's happening is abuse or that it's wrong. And they might be afraid to tell someone. Sexual abuse can happen anywhere – and it can happen in person or online. It's never a child's fault they were sexually abused – it's important to make sure children know this.

"Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to:

- the inducement or coercion of a child to engage in any unlawful sexual activity;
- the exploitative use of a child in prostitution or other unlawful sexual practices;
- the exploitative use of children in pornographic performance and materials".

How do the child sexual abusers operate?

5.2 Protection of Children from Sexual Offence Act 2012 & Amendment Act 2019

To deal with child sexual abuse cases, the Government has brought in a special law, namely, The Protection of Children from Sexual Offences (POCSO) Act, 2012. This Act has been amended in 2019 and accordingly the rule 2020 has also been enacted.

A Comprehensive Law :

The POCSO Act, 2012 is a comprehensive law to provide for the protection of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interests of the child at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts. The said Act defines a child as any person below eighteen years of age, and defines different forms of sexual abuse, including penetrative and non-penetrative assault, as well as sexual harassment and pornography, and deems a sexual assault to be "aggravated" under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-à-vis the child, like a family member, police officer, teacher, or doctor. People who traffic children for sexual purposes are also punishable under the provisions relating to abetment in the said Act. The said Act prescribes stringent punishment graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life, and fine.

Mandatory Reporting:

Section 19 of the POCSO Act makes it mandatory for any person, including the child him/herself, to report that an offense is likely to be committed or has been committed. Section 21 of the Act makes the failure to report punishable, except that the child victim cannot be punished for such failure.

Protection during Investigation:

The said Act also casts the police in the role of child protectors during the investigative process. Thus, the police personnel receiving a report of sexual abuse of a child are given the responsibility of making urgent arrangements for the care and protection of the child, such as obtaining emergency medical treatment for the child and placing the child in a shelter home, should the need arise. The police are also required to bring the matter to the attention of the Child Welfare Committee (CWC) within 24 hours of receiving the report, so the CWC may then proceed where required to make further arrangements for the safety and security of the child.

Medical Examination:

The said Act makes provisions for the medical examination of the child in a manner designed to cause as little distress as possible. The examination is to be carried out in the presence of the parent or other person whom the child trusts, and in the case of a female child, by a female doctor.

Special Court:

The said Act provides for Special Courts that conduct the trial in-camera and without revealing the identity of the child, in a child-friendly manner. Hence, the child may have a parent or other trusted person present at the time of testifying and can call for assistance from an interpreter, special educator, or other professional while giving evidence; further, the child is not to be called repeatedly to testify in court and may testify through video-link rather than in a courtroom. Above all, the said Act stipulates that a case of child sexual abuse must be disposed of within one year from the date the offence is reported.

Victim Compensation

It also provides for the Special Court to determine the amount of compensation to be paid to a child who has been sexually abused, so that this money can then be used for the child's medical treatment and rehabilitation.

Need multi-sectoral interventions

The prevention of child sexual abuse, protection of victims, justice delivery, and rehabilitation of victims are not isolated issues. The achievement of these objectives requires a co-ordinated response of all the key players, which include the police, prosecution, Courts, medical institutions, psychologists and counsellors, as well as institutions that provide social services to the children. The protection of children from violence and abuse thus requires an integrated and coordinated approach. Needless to say, the identification and understanding of the roles of each of these professionals is crucial to avoid duplication and promote effective convergence.

Types of Sexual Abuse under POCSO, 2012

Touch based offences	<ul style="list-style-type: none">• Penetrative Sexual Assault & Aggravated Penetrative Sexual Assault• Sexual Assault & Aggravated Sexual Assault• Using child for pornographic purposes and one of the above
Non-touch based offences	<ul style="list-style-type: none">• Sexual Harassment• Using Child for Pornographic Purpose• Storage for commercial purposes of pornographic material
Other Offences	<ul style="list-style-type: none">• Attempt /Abetment of an offence• Failure to report• Failure to record• False complaint• Disclosure of the identity of a child

Examples of Touch based Sexual Abuse	Examples of Non-Touch based Sexual Abuse
<ul style="list-style-type: none"> Sexual touching of any part of a child's body, whether they're clothed or not Using a body part or object to rape or penetrate a child Forcing a child to take part in sexual activities Making a child undress or touch someone else. Kissing and oral sex – sexual abuse isn't just penetrative. 	<ul style="list-style-type: none"> Exposing or flashing Showing pornography Exposing a child to sexual acts Making them masturbate Forcing a child to make, view or share child abuse images or videos Making, viewing or distributing child abuse images or videos. Conversations online or through a smart phone

5.2.1 Punishment under POCSO Amendment Act 2019:⁵⁴

Sl	Crime	Sections of POCSO - 2012	Punishment under POCSO - 2012	Punishment under POCSO Amendment Act - 2019	Remarks
1	Penetrative sexual assault	04 (1)	7 yrs to Life & Fine	10yr to Life & Fine	The fine shall be reasonable to meet medical expenses and rehabilitation of victim (Sec- 4(3))
2	Penetrative sexual assault on a child below 16 yrs	04 (2)		20 yrs to Life & Fine	Life means – remainder of natural life of the person
3	Aggravated Penetrative Sexual Assault	06	10yrs to Life & Fine	20 yrs to Life & Fine or to Death	Life means – remainder of natural life of the person
4	Sexual Assault	08	3yrs to 5yrs & Fine	3yrs to 5yrs & Fine	
5	Aggravated Sexual Assault	10	5yrs 7yrs & to Fine	5yrs to 7yrs & Fine	
6	Sexual Harassment	12	3yrs & Fine	3yrs and Fine	
7	Use of the child for Pornographic purposes	14 (1)	5yrs and Fine for first time & 7yrs & Fine for first	5yrs and Fine for first time & 7yrs & Fine for second	

8	Pornography with the crime u/s 3/5/7	14 (2)	Maximum Punishment as per sec. 4/6/8 and as per 14(1)	Punishment as per sec. 4/6/8 and as per 14(1)	
9	Use of child for pornography with Sexual Assault	14 (4)	6yrs to 8 yrs & Fine	6yrs to 8 yrs & Fine	
10	Use of child for pornography with Aggravated Sexual Assault	14 (5)	6yrs to 10 yrs & Fine	6yrs to 10 yrs & Fine	
11	Storage of Pornographic materials involving child	15 (1)		5000/- for first time and 10000 for subsequent time	
12	Propagation of pornographic materials involving child	15 (2)		3yr with Fine	
13	Propagation of pornographic materials involving a child for commercial purposes	15 (3)	3yrs or Fine or Both	5yr to 7yrs with Fine	
14	Abetment	17	Same as the offence committed	Same as the offence committed	
15	Attempt to commit offence		One-half of the maximum punishment with Fine	One-half of the maximum punishment with Fine	
16	Failure of reporting and recording a case	21	6month or Fine or Both for others and 1yr & Fine for Custodians	6month or Fine or Both for others and 1yr & Fine for Custodians	
17	False Complaint	22	6 months or Fine or Both	6 months or Fine or Both	No punishment for children
18	False complaint against a child to victimize	22 (3)	1yr or Fine or Both	1yr or Fine or Both	
19	Disclosure of identity in media	23 (4)	6months to 1yr or with Fine	6months to 1yr or with Fine	

The NCPCR is "mandated to monitor the implementation of the Act" by Section 44 of the POCSO and Rule 6 of POCSO Rules.

Under this act, various child friendly procedures are put in place at various stages of the judicial process. Also, the Special Court is to complete the trial within a period of one year, as far as possible. Disclosing the name of the child in the media is a punishable offence, punishable by up to one year. The law provides for relief and rehabilitation of the child, as soon as the complaint is made to the Special Juvenile Police Unit (SJPU) or to the local police. Immediate & adequate care and protection (such as admitting the child into a shelter home or to the nearest hospital within twenty-four hours of the report) are provided. The Child Welfare Committee (CWC) is also required to be notified within 24 hours of recording the complaint.

5.4 Pre-Natal Diagnostic Techniques (Regulation And Prevention of Misuse) Amendment Act, 2002.

The Pre-Natal Diagnostic Techniques (Regulation And Prevention Of Misuse) Amendment Act, 2002 provides for the prohibition of sex selection, before or after conception, and for regulation of prenatal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female foeticide; and, for matters connected therewith or incidental thereto.¹¹

Why such an act was needed?

The **Pre-conception & Pre-natal Diagnostics Techniques (PC & PNDT) Act, 1994** was enacted in response to the decline in Sex ratio in India, which deteriorated from 972 in 1901 to 927 in 1991¹²

Features of the PCPND Act :¹³

The main purpose of enacting the act is to ban the use of sex selection techniques before or after conception and prevent the misuse of prenatal diagnostic technique for sex selective abortion.

Offences under this act include conducting or helping in the conduct of prenatal diagnostic technique in the unregistered units, sex selection on a man or woman, conducting PND test for any purpose other than the one mentioned in the act, sale, distribution, supply, renting etc. of any ultra sound machine or any other equipment capable of detecting sex of the foetus.

Amendments:

1. The act was amended in 2003 to improve the regulation of the technology used in sex selection.
2. The Act was amended to bring the technique of pre conception sex selection and ultrasound technique within the ambit of the act.
3. The amendment also empowered the central supervisory board and state level supervisory board was constituted

Main provisions in the Act are:

1. The Act provides for the prohibition of sex selection, before or after conception.
2. It regulates the use of pre-natal diagnostic techniques, like ultrasound and amniocentesis by allowing them their use only to detect few cases.
3. No laboratory or centre or clinic will conduct any test including ultrasonography for the purpose of determining the sex of the foetus.
4. No person, including the one who is conducting the procedure as per the law, will communicate the sex of the foetus to the pregnant woman or her relatives by words, signs or any other method.
5. Any person who puts an advertisement for pre-natal and pre-conception sex determination facilities in the form of a notice, circular, label, wrapper or any document, or advertises through interior or other media in electronic or print form or engages in any visible representation made by means of hoarding, wall painting, signal, light, sound, smoke or gas, can be imprisoned for up to three years and fined Rs. 10,000.
6. The Act mandates compulsory registration of all diagnostic laboratories, all genetic counselling centres, genetic laboratories, genetic clinics and ultrasound clinics.

5.5 Commissions for Protection of Child Rights (CPCR) Act, 2005

The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commissions for Protection of Child Rights (CPCR) Act, 2005. The NCPCR, which is under the Ministry of Women and Child Development, has the mandate to ensure that all "laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. The Child is defined as a person in the 0 to 18 years age group." It also "enquires, investigates, and recommends action again against perpetrators of child abuse and neglect."

The National Commission has the following functions and powers:

- Examine and review the legal safeguards provided by or under any law for the protection of child rights and recommend measures for their effective implementation.
- Prepare and present annual and periodic reports upon the working of these safeguards.
- Inquire into violation of child rights and recommend initiation of proceedings in such cases
- Undertake periodic review of policies, programmes and other activities related to child rights in reference to the treaties and other international instruments
- Spread awareness about child rights among various sections of society
- Examine and recommend appropriate remedial measures for all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence/riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution.
- Undertake and promote research in the field of child rights
- Inspect institutions meant for juvenile/children
- Inquire into complaints of deprivation and violation of child rights, non-implementation of laws and non-compliance policy decisions, guidelines or instructions
- Undertake other necessary functions for the promotion of child rights. The Commission has the power of a civil court and all criminal cases brought to the same have to be forwarded to a concerned Magistrate who has jurisdiction to try the same.

5.6 The Child Labour (Prohibition and Regulation) Amendment Act, (CLPRA) 2016

The 1986 act prohibited the employment of children less than 14 years in certain occupations like bidi-making, mines, domestic work, power looms, automobile workshops, carpet weaving etc. The Child Labour (Prohibition and Regulation) Amendment Act (CLPRA), 2016 has completely banned employment of children below 14 in all occupations and enterprises, except those run by his or her own family, provided that education does not hampered.

There is an addition of a new category of persons called "adolescent". It defines children between 14 to 18 years as adolescents and bars their employment in any hazardous occupations. The act makes child labour a cognizable offence. Employing children below 14 years will attract a jail term between 6 months to two years (earlier 3 months to 1 year) or a penalty between twenty-thousand to fifty thousand rupees or both for the first time. In case, the offender is a parent, it provides a relaxed penal provision and proposes a fine of Rs.10,000 for repeat offence committed by parent.

The act has a provision of creating Rehabilitation Fund for the rehabilitation of children. The number of hazardous occupations has been brought down from 83 to 3. The three occupations are mining, inflammable substances, and hazardous processes under the Factories Act. It empowers Union Government to add or omit any hazardous-occupation from the list included in the act. It empowers the government to make periodic

inspection of places at which employment of children and adolescents are prohibited. Government may confer powers on a District Magistrate (DM) to ensure that the provisions of the law are properly carried out and implemented.

5.7 Right of Children to Free and Compulsory Education Act, (RTE) 2009

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school that satisfies certain essential norms and standards. The RTE Act came into effect on 1 April 2010. It ensures free & compulsory education to all children within the age group of 6 to 14. No school fees, capitation fees, charges or expenses are to be paid by a child to get elementary education. The child or his parents are not to be subjected to any screening procedure for admission to school. No child can be held back, expelled and required to pass the board examination till the completion of elementary education. The first time enrolled child is to be admitted to an age appropriate class.

The Act lays down the norms and standards of Pupil Teacher Ratios, buildings and infrastructure, school working days, teacher working hours. Schools that do not fulfill these standards will not be allowed to function. Specification of the Pupil Teacher Ratios ensures that there is no averaging at the State or District or Block level, preventing urban-rural imbalance in teacher postings.

The Act prohibits deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.

The Act specifies the duties and responsibilities of appropriate Governments, local authority in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.

The Act provides for development of curriculum in consonance with the values enshrined in the Constitution, for the all-round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child friendly and child centered learning.

5.9 The Prohibition of Child Marriage Act, (PCMA) 2006

The Prohibition of Child Marriage Act, 2006 has been implemented with the objective of to prohibit solemnization of child marriage and connected and incidental matters. To ensure that child marriage is eradicated from within the society:

- The Act states that "child marriages shall be voidable at the option of the contracting party who was a child at the time of the marriage." It allows for a petition to be filed declaring the marriage void within 2 years of the child attaining majority. However, since a girl is supposed to attain majority at the age of 18 and a boy at the age of 21, the girl can file a petition till she becomes 20 years of age and a boy till he becomes 23 years of age.
- The Act also allows for maintenance and residence for the girl till her remarriage from the male contracting party or his parents. It further allows for appropriate orders for custody for any child born from the marriage.

- The punishment for a male over 18 years of age has been enhanced to rigorous imprisonment of up to 2 years or with fine upto 1 lakh rupees or both. A similar punishment is prescribed for anyone who performs, conducts, directs or abets any child marriage
- The Act lays emphasis on the prohibition of child marriages by providing for the appointment of Child Marriage Prohibition Officers by the State Governments and gives powers to these Officers to prevent and prosecute solemnization of child marriages and to create awareness on the issue. The Act gives the District Magistrate powers to stop and prevent solemnization of mass child marriages by employing appropriate measures and minimum police force apart from giving him all the powers of the Child Marriage Prohibition Officer.

6.5 National and State Commission for the Protection of Child Rights

The National Commission for the Protection of Child Rights (NCPCR) was set up in March 2007. National Commission for the Protection of Child Rights (NCPCR) is a statutory body under the Commissions for Protection of Child Rights (CPCR) Act, 2005 under the administrative control of the Ministry of Women & Child Development, Government of India.

The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child.

The Commission visualizes a rights-based perspective flowing into National Policies and Programmes, along with nuanced responses at the State, District and Block levels, taking care of specificity and strengths of each region. The Commission sees an indispensable role for the State, sound institution-building processes, respect for decentralization at the local bodies and community level and larger societal concern for children and their well-being.

7. Child Protection Services at the National and State Level (Delhi and Odisha)

What are we doing about it?

Legislative initiatives

- ❖ The JJ Act 2015
- ❖ The POCSO Act 2012
- ❖ The CPCR Act 2005
- ❖ The RTE Act 2009
- ❖ The CLPRA Act 2016
- ❖ The Child Marriage Act
- ❖ PCPNDT Act 05/06/2018\

Programmatic interventions

- ❖ Child Protection Services (ICPS)
- ❖ Anganwadi Services
- ❖ One Stop Centres
- ❖ National Crèche Scheme
- ❖ Sarva Shiksha Abhiyan
- ❖ National Child Labour Project
- ❖ Rehabilitation of Bonded Labour scheme
- ❖ Legal Aid (through National and State Legal Aid Authorities)
- ❖ Central/State victim compensation fund

- ❖ Central Sector Scheme for Prevention of Alcoholism and Substance abuse
- ❖ Schemes for Tribal children
- ❖ Pradhanmantri Kaushal Vikas Yojna

New Initiatives

- ❖ Registration of over 7100 child care institutions
- ❖ Foster care Guidelines 2016
- ❖ National Plan of Action for Children 2016
- ❖ Expansion of Childline services and Railway Childline
- ❖ National Conclave on psychological trauma, child protection and mental illnesses
- ❖ Extra-curricular platform for CNCP children – Hausla 2017
- ❖ Provision of POCSO e-Box by NCPCR
- ❖ Introducing FRS in Trackchild and Khoya Paya
- ❖ Awareness generation and outreach services
- ❖ Unnati scholarships

7.1 Child Protection services in Delhi

Sl	Child Protection service	Nature of service provisions
1	Childline Services	An emergency helpline for children (Toll -free No: 1098)
2	Railway Childlines	An emergency helpline for children in contact with railways.
3	Child Care Institutions	CCIs provide institutional care for children in need of care and protection
4	Special Adoption Agencies	A voluntary agency which facilitates placement of orphaned, abandoned and surrendered children for adoption.
5	After Care Agencies	Accommodate children after 18 yrs for preparing them to live an independent life and for rehabilitation.
6	Observation Homes	Juveniles are kept for a few weeks or pending decision of the cases
7	Special Homes	For reception and rehabilitation of juvenile in conflict with law under JJ Act
8	Place of safety	To accommodate children of 16 to 18 years alleged to have committed heinous offence pending inquiry;
9	District Child Protection Unit	Contribute to effective implementation of child protection legislations, schemes and achievement of child protection goals laid out in the National Plan of Action for Children
10	Child Welfare Committees	CWC is the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care and protection
11	Juvenile Justice Board	Deal with Juveniles in conflict with law
12	Special Juvenile Police Units	Coordinates and works for the up-gradation of police interface with children
13	One Stop Centres	These centres are set up through the Nirbhaya Fund to provide all necessary assistance at one place to the women victim of sexual violence.

14	District Legal Service Authorities	To secure the legal rights of poor, down trodden and weaker section of the society including under 18 years.
15	Children's Court	The court has jurisdiction to hear and determine cases related to the care and protection of children and young people aged children.
16	District Child Protection Society	The DCPS is fundamental for the implementation of ICPS at the district level.
17	State Child Protection Society	Overseeing the implementation of the chil related Act and the rules framed thereunder in the State and supervision and monitoring of agencies and institutions under the Act
18	State Commission for protection of Child Rights	To protect, promote and defend child rights in the state

7.2 Child Protection services in Odisha

1	Childline Services	An emergency helpline for children (Toll-free No: 1098)
2.	Railway Childlines	An emergency helpline for children in contact with railways.
3.	Child Care Institutions	CCIs provide institutional care for children in need of care and protection.
4.	Special Adoption Agencies	A voluntary agency which facilitates placement of orphaned, abandoned and surrendered children for adoption.
5.	After Care Agencies	Accommodate children after 18 yrs for preparing them to live an independent life and for rehabilitation.
6.	Observation Homes	Juveniles are kept for a few weeks or pending decision of the cases
7.	Special Homes	For reception and rehabilitation of juvenile in conflict with law under JJ Act.
8.	Place of safety	To accommodate children of 16 to18 years alleged to have committed heinous offence pending inquiry;
9.	District Child Protection Unit	Contribute to effective implementation of child protection legislations, schemes and achievement of child protection goals laid out in the National Plan of Action for Children CWC is the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care and protection
10.	Child Welfare Committees	Deal with Juveniles in conflict with law
11.	Juvenile Justice Board	Coordinates and works for the up- gradation of police interface with children
12.	Special JuvenilePolice Units	These centres are set up through the Nirbhaya Fund to provide all necessary assistance at one place to the women victim of sexual violence.
13.	One Stop Centres	To secure the legal rights of poor, down trodden and weaker section of the society including children.

14.	District Legal Service Authorities	The court has jurisdiction to hear and determine cases related to: the care and protection of children and young people aged under 18 years.
15.	Children's Court	The DCPS is fundamental for the implementation of ICPS at the district level.
16.	District Child Protection Society	Overseeing the implementation of the child related Act and the rules framed thereunder in the State and supervision and monitoring of agencies and institutions under the Act To protect, promote and defend child rights in the state
17.	State Child Protection Society	
18.	State Commission for Protection of Child Rights	

8.4 How do the child sexual abusers operate?

8.5 The Process of Child Sexual Abuse:

- ✓ The first thing the abuser does is identify a child. He generally looks out for a child who is usually alone, not mixing with others, or one who is ignored by classmates. Mostly she looks for a child with whom she can be alone easily.
- ✓ Many parents tell their children not to take sweets or chocolates from strangers. What many parents do not realise is that the child offender might not be a stranger but a friend of the family or a relative.
- ✓ The abuser is generally very charming and has the ability to win the child over with his winning ways.
- ✓ The main tactic with many abusers is to befriend the child. It is a patience game. They do not do anything at first. Just play with the child. The tactic they use is to tell the child something and say it is a secret.
- ✓ The abuser will play with the child and the child will really have a lot of fun with her in the beginning. Gradually the game turns into a sexual game involving simple touching by accident, then inviting the child to touch or be touched and so on.
- ✓ After the abuser has done something with the child – it could be sexual harassment, sexual assault or penetrative sexual assault – she will tell the child not to tell anyone. But to make sure the child will keep quiet about it, he will frighten and threaten the child. He will threaten to kill the child.
- ✓ Alternately the abuser will also be very kind and gentle with the child. This confuses the child, who does not know if the abuser is a good person or not. The abuser tests abuse for the first time and if successful, will repeat the abuse.



Identifies a child

Befriends the child

Frightens and threatens the child

Tests abuse for the first time; then repeatedly abuses

The greatest friend of the child sexual abuser is SILENCE. The way to break the chains tied by the abuser is to SPEAK OUT!

8.6 Signs and Symptoms of Child Sexual Abuse

When children are sexually abused, the main problem is that they do not easily tell anyone about it. Children are generally blamed for anything that goes wrong in their life so they tend to think they will be blamed if they tell anyone about the abuse.

It is left to others (parents, elders, and teachers) to watch out for certain social, physical, behavioural and emotional indicators of sexual abuse. The indicators should not be considered in isolation, but attempts should be made to look for a pattern. Look to see if there are several indicators – not just one or two isolated ones. The commonly manifested signs/symptoms/indicators are as under

Social	Physical
<ul style="list-style-type: none"> ▪ Is secretive or isolated ▪ Is unduly protective of the child ▪ Severely limits the child's contact with other children (especially of the opposite sex) ▪ Describes marital difficulties involving family power struggles or sexual relations. 	<ul style="list-style-type: none"> ▪ Bloodstained and/or torn underwear ▪ Sexual knowledge or behaviour inappropriate for the child's age ▪ Difficulty in walking, sitting or sitting still ▪ Nightmares ▪ Trauma to breasts, buttocks, lower abdomen or thighs. ▪ Child or young person or their friend telling you about it, directly or indirectly ▪ Describing sexual acts ▪ Going to bed fully clothed ▪ Sexually transmitted diseases ▪ Presence of semen ▪ Unusual odours from the vaginal area ▪ Psychosomatic illness like backaches, headaches, stomach pains, stammering, etc ▪ Abdominal pain ▪ Genital or rectal pain, itching, swelling, redness, infection or discharge ▪ Pain or problems with urination/defecation.
Behavioural or Emotional indicators	
<p>Fear of going home or to a relative's place (a very important clue)</p> <p>Excessive crying or sadness</p> <p>Withdrawal into fantasy worlds</p> <p>Sudden change in behaviour (e.g., quiet child becomes aggressive; usually jovial and noisy child becomes quiet and withdrawn)</p> <p>Sexual themes in the child's artwork, stories, or play</p> <p>Unwillingness to participate in</p>	<p>Trying to run away from home</p> <p>Seductive behaviour and/or sexual activity (This is an effect of the sexual abuse, not a cause.)</p> <p>Drug/alcohol abuse</p> <p>Prostitution (There is a strong correlation between child sexual abuse and late teen prostitution.)</p> <p>Self-mutilation, cutting of hand/thigh in areas which are not visible is a very common indicator of sexual abuse</p>

<p>physical/recreational activities, especially if there is physical discomfort</p> <p>Persistent and inappropriate sexual play with peers, toys, drawings, animals, or themselves</p> <p>Displaying sexually aggressive behaviour toward others</p> <p>Acting like a much younger child – regressive behaviours</p> <p>Pseudo-mature behaviours (acting like a parent or spouse)</p> <p>Delinquent or aggressive behaviour</p> <p>Difficulty eating or sleeping</p> <p>Unexplained accumulation of money or gifts</p>	<p>Suicidal feelings and suicide attempts</p> <p>Constant anxiety, depression, phobias, or obsessions</p> <p>Fear of adults of the same sex as the abuser</p> <p>Fear of going to the toilet, bathroom or bedroom</p> <p>Poor or deteriorating relationships with peers</p> <p>Inability to concentrate in school and/or sudden deterioration in school performance</p> <p>Non-participation in school activities and/or sports when previously involved</p>
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International Rescue Committee of UNICEF has identified the following common signs and symptoms of sexual abuse among children of different age group.¹⁹

COMMON SIGNS AND SYMPTOMS OF SEXUAL ABUSE ACCORDING TO AGE	
<p>Infants & Toddlers (0-5)</p>	<ul style="list-style-type: none"> ▪ Crying, whimpering, screaming more than usual. ▪ Clinging or unusually attaching themselves to caregivers. ▪ Refusing to leave “safe” places. ▪ Difficulty sleeping or sleeping constantly. ▪ Losing the ability to converse, losing bladder control, and other developmental regression. ▪ Displaying knowledge or interest in sexual acts inappropriate to their age
<p>Younger Children (6-9)</p>	<ul style="list-style-type: none"> ▪ Similar reactions to children ages 0-5. In addition: ▪ Fear of particular people, places or activities, or of being attacked. ▪ Behaving like a baby (wetting the bed or wanting parents to dress them). » Suddenly refusing to go to school. ▪ Touching their private parts a lot. ▪ Avoiding family and friends or generally keeping to themselves. ▪ Refusing to eat or wanting to eat all the time.
<p>adolescents (10-19)</p>	<ul style="list-style-type: none"> ▪ Depression (chronic sadness), crying or emotional numbness. ▪ Nightmares (bad dreams) or sleep disorders. ▪ Problems in school or avoidance of school. ▪ Displaying anger or expressing difficulties with peer relationships, fighting with people, disobeying or disrespecting authority. ▪ Displaying avoidance behavior, including withdrawal from family and friends. ▪ Self-destructive behavior (drugs, alcohol, self-inflicted injuries). ▪ Changes in school performance. ▪ Exhibiting eating problems, such as eating all the time or not wanting to eat.

¹⁹ Caring for Child Survivors of Sexual Abuse <<https://www.refworld.org/pdfid/532a06834.pdf>>

- Suicidal thoughts or tendencies.
- Talking about abuse, experiencing flashbacks of abuse.

8.7 Effects of CSA on the child

Physical Effects	Emotional & Psychological Effects	Behavioural Effects of CSA
<ul style="list-style-type: none"> ▪ Sexually transmitted diseases ▪ Infection ▪ Bruising/tearing ▪ Pregnancy 	<ul style="list-style-type: none"> ▪ Depression ▪ Eating disorders ▪ Inability to trust others ▪ Feel they are abnormal or deviant or it's all their fault ▪ Personality disorders ▪ Post-Traumatic Stress Disorder ▪ Inability to cope with stress and emotions ▪ Brain damage leading to memory impairment and inability to mix with others ▪ Tendency to blame oneself ▪ Suspicious of others ▪ Constant feelings of shame and low self-esteem 	<ul style="list-style-type: none"> ▪ Tendency to cut or harm oneself ▪ More likely to commit suicide ▪ Aggressive behaviour ▪ Performance problems at school Bed-wetting ▪ Tendency to become victims again ▪ Sleep disturbances ▪ Eating problems ▪ Thumb-sucking ▪ Unwillingness to participate in school or social activities
<p>Long Term Effects: Self-destructive behaviours such as alcoholism or drug abuse Depression Anxiety and/or panic attacks Insomnia Sexual problems as adults Constant failures (financial, relationships, at jobs)</p>		

Remember, the effects of CSA on a child and its family are long lasting. If nothing is done to help the child, the effects can last a lifetime and the child will be broken for life.

Uncooperative or helpless parent: In cases where a parent is the abuser, it becomes difficult to stop the abuse since the parent has a lot of power. At such times it has to be made clear that this is a legal matter and that the police will have to be brought in on the matter. The same is the case if the abuser is an uncle or other family member who cannot be controlled. The matter will have to go to the police.

Prior to bringing in the police on this matter – which can be very traumatic for the child who has always been frightened by the word 'police' – you may inform an NGO like Childline (Phone number 1098) or other such organisation. Such NGOs work in co- ordination with the police so that the police will be informed indirectly anyway. The NGOs are equipped to handle such cases.

What to Do? If someone abuses you or tries to sexually abuse you

<ul style="list-style-type: none"> ▪ Scream ▪ Move out /run ▪ Say "No". Say it again and again. ▪ Share with a parent or at least a trusted adult ▪ Otherwise share with a friend. ▪ NEVER kept it a secret. Tell a friend at least. Tell many friends. Tell your headmaster. ▪ You should tell the police. But if this is frightening for you, go to any NGO that supports children – for example, CHILDLINE. 	<ul style="list-style-type: none"> ▪ It is not your fault ▪ It is never your fault if you are sexually abused ▪ The abuser has done something wrong, so he/she should be punished, not you. ▪ Do not feel sorry for the abuser, whatever sorry tale he may tell you. For example, he may say, "I was abused as a child." Or, "My father used to tie me to a tree and beat me – that is why I am like this today," etc. ▪ Sometimes the abuser may ask your forgiveness but remember the abuser will do this to someone else! ▪ So silence is never an answer!
<ul style="list-style-type: none"> ▪ To get Childline just ring the number 1098, anywhere in India. 	<ul style="list-style-type: none"> ▪ Speak till you are heard and helped ▪ Get help from an older person

Dos and Don'ts

Dos	Don'ts
Believe the child.	Do not ask accusing questions.
Create a rapport with the child.	Do not be overly formal.
Show a measure of trust.	Do not be judgmental.
Show a measure of accessibility and reliability.	Do not miss appointments keep promises. Do not read, talk on the phone etc when the child is talking to you.
Assure the child of confidentiality which is reasonable.	Do not give information about the child unless professionally required.
Be realistic and explain circumstances as they are likely to happen.	Do not assure the child about matters you have no control over.
Ensure privacy is obtained to enable the child to talk in confidence.	Do not interview in open space where there is likely to be interruptions and eavesdroppers.
Be patient: let the child go on at her/his own pace. Changing behaviour is difficult and calls for a lot of patience. You should listen carefully, patiently and with understanding.	Do not pressure the child to speak. Do not rush the client.
Accept the child the way she is.	Do not be judgmental.
Relaxed atmosphere: The room should also be comfortable where possible and the atmosphere relaxing.	Do not go to a place where the child feels the need to leave as soon as possible.
Commitment: You must show a high degree of commitment.	When you agree to offers to assist, you have to be committed. If you are not able to be committed then it is not useful for you to offer any assistance.

All this is on the level of social action. You will have to continue to be in touch with the child to see to her emotional and psychological welfare.

8.8 Why Don't Children Speak up About Abuse?

- Children are afraid that they may be disbelieved.
- Children feel a sense of guilt that perhaps it is indeed 'their own fault' that the abuse occurred.
- Every time a child talks about the incident of abuse they may be remembering and reliving the trauma; and children don't want to remember the abuse.
- Children are afraid that the person who groomed and abused them will stop loving them or get in trouble because of them. This is because of manipulations during the 'grooming' process and is also true in cases where the offender is a family member.
- The child may have been manipulated by the offender into believing that their relationship is normal. Sometimes the child does not realize that it is being abused.
- Fear of retaliation and further abuse also forces a child to keep silent. Generally, children are not encouraged to talk about their feelings and when they do... adults do not listen or believe.

Here are things 10 things that could help your child be less vulnerable to sexual abuse:¹⁰

1. Talk about body parts early.

Name body parts and talk about them very early. Use proper names for body parts, or at least teach your child what the actual words are for their body parts. I can't tell you how many young children I have worked with who have called their vagina their "bottom." Feeling comfortable using these words and knowing what they mean can help a child talk clearly if something inappropriate has happened.

2. Teach them that some body parts are private.

Tell your child that their private parts are called private because they are not for everyone to see. Explain that mommy and daddy can see them naked, but people outside of the home should only see them with their clothes on. Explain how their doctor can see them without their clothes because mommy and daddy are there with them and the doctor is checking their body.

3. Teach your child body boundaries.

Tell your child matter-of-factly that no one should touch their private parts and that no one should ask them to touch somebody else's private parts. Parents will often forget the second part of this sentence. Sexual abuse often begins with the perpetrator asking the child to touch them or someone else.

4. Tell your child that body secrets are not okay.

Most perpetrators will tell the child to keep the abuse a secret. This can be done in a friendly way, such as, "I love playing with you, but if you tell anyone else what we played they won't let me come over again." Or it can be a threat: "This is our secret. If you tell anyone I will tell them it was your idea and you will get in big trouble!" Tell your kids that no matter what anyone tells them, body secrets are not okay and they should always tell you if someone tries to make them keep a body secret.

5. Tell your child that no one should take pictures of their private parts

This one is often missed by parents. There is a whole sick world out there of pedophiles who love to take and trade pictures of naked children online. This is an epidemic and it puts your child at risk. Tell your kids that no one should ever take pictures of their private parts.

¹⁰ <<https://childmind.org/article/10-ways-to-teach-your-child-the-skills-to-prevent-sexual-abuse/>>

¹¹ <<https://childmind.org/article/10-ways-to-teach-your-child-the-skills-to-prevent-sexual-abuse/>>

6. Teach your child how to get out of scary or uncomfortable situations.

Some children are uncomfortable with telling people “no”— especially older peers or adults. Tell them that it's okay to tell an adult they have to leave, if something that feels wrong is happening, and help give them words to get out of uncomfortable situations. Tell your child that if someone wants to see or touch private parts they can tell them that they need to leave to go potty.

7. Have a code word your children can use when they feel unsafe or want to be picked up.

As children get a little bit older, you can give them a code word that they can use when they are feeling unsafe. This can be used at home, when there are guests in the house or when they are on a play date or a sleepover.

8. Tell your children they will never be in trouble if they tell you a body secret.

Children often tell me that they didn't say anything because they thought they would get in trouble, too. This fear is often used by the perpetrator. Tell your child that no matter what happens, when they tell you anything about body safety or body secrets they will NEVER get in trouble.

9. Tell your child that a body touch might tickle or feel good.

Many parents and books talk about “good touch and bad touch,” but this can be confusing because often these touches do not hurt or feel bad. I prefer the term “secret touch,” as it is a more accurate depiction of what might happen.

10. Tell your child that these rules apply even with people they know and even with another child.

This is an important point to discuss with your child. When you ask a young child what a “bad guy” looks like they will most likely describe a cartoonish villain. You can say something like, “Mommy and daddy might touch your private parts when we are cleaning you or if you need cream — but no one else should touch you there. Not friends, not aunts or uncles, not teachers or coaches. Even if you like them or think they are in charge, they should still not touch your private parts.”

I am not naïve enough to believe that these discussions will absolutely prevent sexual abuse, but knowledge is a powerful deterrent, especially with young children who are targeted due to their innocence and ignorance in this area.

9. Online Safety

Children and young people's lives have changed dramatically because of the coronavirus. With social distancing measures and most schools closing, children will be spending more time at home and online.

And while the internet is a great way for children and young people to stay in touch with their friends and keep busy during lockdown, it can also bring risks. Now more than ever it's important to talk to your child about staying safe online and about the apps and sites they're using.

Starting a conversation about online safety

It can be difficult to know how to start talking to your child about what they're doing online or who they might be speaking to. But talking regularly, like you would about their day at school, will help your child feel relaxed and mean that when they do have any worries, they're more likely to come and speak to you. It can help to:

- Reassure them that you're interested in their life, offline and online. Recognise that they'll be using the internet to research homework as well talking to their friends.
- Ask your child to show you what they enjoy doing online or apps they're using so you can understand them.
- Be positive but also open about anything you're worried about. You could say "I think this site's really good" or "I'm a little worried about things I've seen here."
- Ask them if they're worried about anything, and let them know they can come to you.
- Ask them about their friends online and how they know they are who they say they are.
- Listen for the reasons why your child wants to use apps or site you don't think are suitable, so you can talk about these together.
- Ask your child what they think okay for children of different ages so they feel involved in the decision making.

What is inappropriate or explicit content?

Inappropriate content can include:

- ✓ Terror attacks, beheadings and bombings
- ✓ Cruelty to humans and animals
- ✓ Self-harm sites
- ✓ Pro-anorexia and eating disorder content
- ✓ Pro-suicide content
- ✓ Sexual abuse and rape
- ✓ Violence and distressing content
- ✓ Hate sites
- ✓ Online porn.

Sexting:

Sexting or sending nudes is when someone shares a sexual message, naked or semi-naked image, video or text message with another person. It doesn't have to be a nude image of them and could be an image of someone else.

You can help children by:

- Trying not to shout at them, or make them feel like it's their fault. They're probably worried and need your help and advice.
- Reassuring them and offering support – remind them they can always talk to you, another trusted adult, or childline.

- Asking open questions such as "what happened?" rather than asking "why have you done it", as this may stop them from opening up to you.
- Talking to them about how to treat others online and what is and isn't appropriate online behaviour.
- Reminding them that people might not always be who they say they are online, so they should be careful about talking to anyone they don't know.
- Telling their school, if your child agrees. Schools can keep an eye on the situation and help stop images or videos being shared. They can also support any other children who've been affected or have a counselling service children can self-refer to.
- Exploring the social networks, apps and games they're using together.

Live streaming:

Risks of livestreaming and video apps?

Children may communicate with people they don't know online. Videos being recorded or shared without a child's consent. Children can receive nasty or negative comments.

Children can view adult, inappropriate or upsetting content. Sharing their location and personal information.

How to help your child

Talk to your child

Explore apps and sites together

Agree what's appropriate together

Check your settings

9.1 Online porn:

It's normal for young people to be curious about sex and relationships and sometimes they may search online for information or answers to questions they have. Some of the reasons children watch online porn;

To learn about sex and sexual identity

- For sexual arousal and pleasure
- Curiosity
- For "a laugh"
- Break the rules
- To be disgusted
- To "freak out" their friends
- Peer or relationship pressure.

Risks of children watching online porn

- Unrealistic attitudes about sex and consent
- More negative attitudes about roles and identities in relationships
- More casual attitudes about sex and sexual relationships and an increase in 'isky' sexual behaviour
- Unrealistic expectations of body image and performance.

How to protect your child from online porn

- Talk to them about healthy relationships
- Explain that online porn isn't real
- Talk to them about peer pressure

Childline has advice on addiction that your child may find helpful. Tell them about Childline and other safe websites. Call Childline- 1098. It can help your children 24 x 7

9.2 Parental Control :

Parental controls help you to block or filter upsetting or inappropriate content, and control purchases within apps. You can install parental control software on your child's and family's phones or tablets, games consoles, laptops and your home internet.

Parental controls can help children to :

- Plan what time of day your child can go online and how long for
- Create content filters to block apps that may have inappropriate content
- Manage the content different family members can see

10 Teaching Children about 'Good Touch' and 'Bad Touch' and identification of potential abusers:

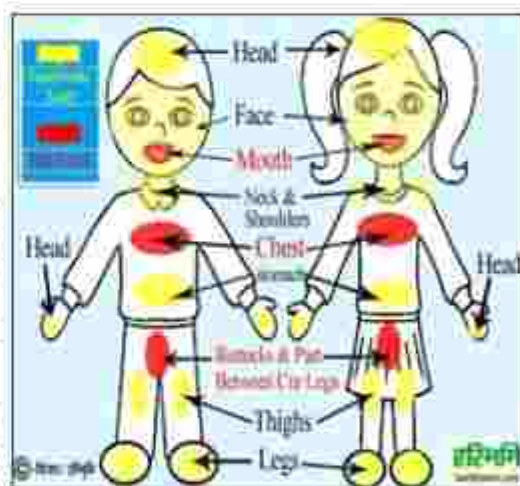
The facilitator should explain that it is very important for all the frontline service providers to learn about good touch and bad touch so that they can properly educate the children and their families.

The facilitator should advise that there is no reason to constantly fear for the safety of your child; however, as long as the likelihood of danger remains, you must educate your child about the various kinds of touch they can experience. An unwanted touch can appear in any form, and it need not be limited to sexual abuse. Even something as mild as a hug or caress from a relative might be unwanted. It does not matter if the touch seems fine to you; it matters only that your child is comfortable with it. The distinction you must make is this: Good touch is physical contact that they are comfortable with and bad touch is physical contact that makes them uncomfortable. Further, small children are naturally trusting of the adults around them and will extend friendships towards strangers without any qualms.

As per study report the most common sexual predator is not some stranger, but actually someone well-known to you or your child, as unpleasant as it is to consider. The key is to notice any strange behaviour from either your child or the adult in question. Abused children exhibit noticeable signs of distress in the presence of their abuser.

Coloring of Private Parts

The participants will give outline of the body of the boys / girls and ask the participants to give red color the most sensitive part of the body where nobody can touch except mother and doctor. In presence of mother, give yellow color in the parts where they don't feel comfortable and green color in the parts of the body where other people can touch with the permission of the child. Then they will be asked to repeat this exercise with their children so that the children can be sensitive on good touch and bad touch.



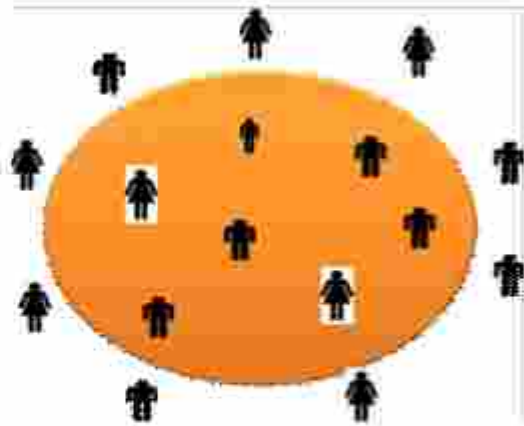
Swimming Suit Exercise:

The participants will be asked to color the entire coverage area of swimming suit of a boy / girl. In the colorful area nobody can touch except mother. The participants at the end noted down the following good touch and bad touch after this exercise.

GOOD TOUCH	BAD TOUCH
Parents / Grandparents hugs and Kisses	Makes you feel afraid, bad, ashamed, etc.
Teacher pats your head or back and says "good job"	Hurts or it forced
Brief friendly hugs by family members	Told that it should be kept a secret
Brief kiss on the cheek or forehead	Kissing on the mouth
Shaking hands, giving high fives or a fist bump	Touching private areas (i.e. areas covered by swimsuit)
Touch that does not scare or make your feel bad	Spitting, Slapping, Pushing, Punching etc.

Activity to recognizing potential abusers:

The participants be given the exercise as given in the figure (Right) and will be asked to color and name the potential abuser who you find not a good person. After they complete this exercise, they will be explained to conduct this kind of exercise with the children so that the children can easily identify the abusers and report so that the care givers can work with the child to make him/her aware of the same. In the following figure, the people inside the circle are the family members and people outside the circle are outsiders including those in the school, community, nearby shop, neighborhood, relatives, family friends et.



11. Support to child victims of CSA: Working with the families of the victim children

Effects of CSA on victim's parents

Child Sexual Abuse affects not only the child but also the parents of the child. So, now, let us look at the effects of Child Sexual Abuse on the parents of the child victim.

Disbelief or shock:

The most common reaction of parents when they hear that their child is the victim of sexual abuse is either disbelief or shock.

The disbelief is shown when the child tells them she or he has been molested. The shock is when the abuse is reported to them by police or other authorities. The parents of course go through much pain. They cannot believe that this happened to their child.

Blame the child

As is the habit with parents, they have the tendency to blame the child. They tend to say things like, "Why did you go there? I told you a hundred times never to go there." And they tend to say such things even if they had never ever told their child not to go to that place!

Get Angry

Sometimes, the parents get angry – angry with the child and angry with the abuser. The abuser could be one of the parents themselves. Otherwise it could be the brother or sister of one of the parents. It could be the grandparent of the victim. This is very confusing for the parent. They get totally mixed up. All the feelings seem to be there: anger, helplessness, resentment, desperation, guilt and grief.

Very often the parents do not know what to do.

To make matters worse they are often advised to keep things quiet, so as to protect the good name of their daughter or son. The parents believe that if people come to know of the abuse, then their child may never get a good husband or wife later on.

They are told to remain silent, especially when the abuser is a relative.

In cases where the parents are poor or marginalized, their situation is even worse as they have no help.

Role of Parents:

- First, every parent should be alert to prevent child sexual abuse.
- Second, parents have to control their own emotions or keep their emotions aside because they have to think of their child. This is not easy.
- Third, parents have to attend to their child.
- Fourth, parents can take the help of the law and NGOs.

Prevention: This programme seeks to inform you on the various ways your child could be at risk. It is hoped that all parents **will be alert and on the lookout for signs of child sexual abuse**. It is every parent's concern. Anybody's child could become the victim of an abuser. So every parent should be alert and help others to prevent this crime.

Second, parents have to control their own emotions or keep their emotions aside. This seems almost a cruel thing to suggest, since the parents would be in such a terrible state of shock, grief, anger, helplessness and other emotions. However the CHILD is the main priority here. A simple and effective way to do this is for the parents to concentrate on their child. If they do this, they will automatically think less of themselves and it will be easier for them to forget their own emotions and attend to the child.

Another method is for the parents to promise themselves that they will grieve and feel helpless and angry etc. at a later date. They tell themselves that for the present they need to think of their child.

Third, parents have to attend to their child. In addition to what is mentioned in the next session here are some things that parents can attend to their child who is a victim of sexual abuse:

- o Tell the child and repeatedly assure them that it is not her or his fault. These are the best words that the child can hear in this situation. The child generally thinks it will be blamed for the abuse. So repeatedly hearing the parents supporting her or him is very heartening for the child
- o Repeatedly assure the child that they will protect her or him, whatever may happen. The child often does not tell about the abuse because the abuser has threatened to harm the child or his/her parents. So the child needs to hear the parents promising to protect her or him again and again.

Fourth, parents can take the help of the law and NGOs. POCSO has recognised child sexual abuse as an extremely serious and terrible crime. For this reason the parents need to go to the police for help.

12 Ways to protect children from CSA in Schools

Administrative procedures

- A reliable person to be at the entrance gate.
- Visitors' area to be allocated.
- If CCTV camera is placed, it should not be in the toilet.
- A staff member to be appointed as a safety in-charge.
- Anti-ragging committee to be formed, and information regarding this should be displayed in public places, with photo and names of persons.
- Teacher never to be alone with a child.
- Information on Teaching and Non-Teaching staff to be verified and information about behaviour of the person to be collected from reliable source prior to appointment.

Safety among peers

- Share with children about accepted and non-accepted behaviour.
- Share with and inform children about the staff in-charge of safety, and about anti ragging committee.
- Teacher of the same sex to be appointed for making rounds in the toilets.
- Teachers to be appointed to make rounds during breaks to ensure safety of children among peers and outside persons.

Safety from visitors

- Visitors to be permitted only with appointment.
- No visitor to be allowed entry in the school premises without permission from head of the institute or member of safety committee.
- Family members of staff not to be allowed in school premises when children are around.

Tips for Teachers

- Send children in pairs to the toilet.
- Be alert in changes in a child's behaviour from submissive to aggressive or vice-versa in a short span of time.
- Identify any child who is aggressive or silent, and talk to the child regarding any possible sexual abuse. Refer the child for counselling or extra care and attention.
- Be alert when you notice teachers and visitors who spend time alone with child. Share the information with the head of the institute.

In case you come to know that one of your colleagues is sexually abusing a child: Report the matter immediately to the head of the institute or to the police. If you are afraid, take assistance of NGO's. Please ensure that the child is safe. Do not be quiet about it.

Remember: Teachers are the first contact with the child if the child is being sexually abused at home.

Organization's may be contacted in case of CSA

National	
CHILDLINE - 1098	
Women Helpline - 1091	
<p>National Commission for Protection of Child Rights 5th Floor, Chanderlok Building, 36 Janpath, New Delhi, PIN 110001 Tel.No. 23478200 Fax No. 23724026 Contact No: 1800-121-2830 (for covid crisis) Website for POC SO E-Box- https://ncpcr.gov.in</p> <p>National Human Rights Commission Manav Adhikar Bhawan, Block-C, GPO Complex, INA New Delhi – 110023, Telephone No.: 011-24651330; Fax No. 24651332; E-Mail: cr.nhrc@nic.in; Website: www.nhrc.nic.in</p>	
Delhi	Odisha
<p>Delhi Commission for Protection of Child Rights Office Address : 5th Floor, ISBT Building , Kashmere Gate, Delhi -110006 Phone No. 011-23862685/86 Fax No. 011-23864312 Email: dcpcr@hotmail.com; delhichildrightscommission@gmail.com</p>	<p>Odisha State Commission for Protection of Child Rights, Govt Of Odisha Qr.No.-1, Type-A, Unit V Bhubaneswar- 751001 Phone : 0674-2394041 Fax : 0674-2394043 E-Mail : oscpcr.od@nic.in</p>
<p>DELHI COMMISSION FOR WOMEN Govt. of National Capital Territory of Delhi C-Block, 2nd Floor, Vikas Bhawan I. P. Estate, New Delhi-110 002 Contact No. 011-23379181(all working days , 10 AM. to 5:30 PM) Email : helpdeskdcw2015@gmail.com Chairperson's mail : livingpositive@gmail.com Public Relation Officer/Spokesperson : Sh. Rahul Tahiliani email - rahultahiliani22@gmail.com</p>	<p>Odisha state Commission for Women 3rd Floor, Toshali Plaza, Satya Nagar, Bhubaneswar-7. Phone: (0674) 2573850 Fax: (0674) 2573870 Email: oscw.od@nic.in</p>

NACG EVAC India:

National Action and Coordination Group for Ending Violence Against Children (NACG EVAC), India, is the Country level Civil Society Forum of South Asia Initiative to End Violence Against Children SAIEVAC), an Inter-Governmental apex body of SAARC. It brings together NGOs, Networks, Coalitions, Media, Children Forums, Academia and other civil society bodies to promote interaction, networking, advocacy, sharing of good practices, and experience. NACG EVAC India is a country forum for collecting learning and sharing, advocacy and actions. It links country's action with wider effort of UN and international bodies. It has its operational areas at local, state & country level focusing on 5 critical thematic issues, i.e. Child Sexual Abuse and Exploitation, Child Trafficking, Child Labour, Child Marriage and Corporal Punishment, and 2 cross cutting issues i.e., Child participation and Children with Disability. It's strength and effectiveness lies in nationwide membership and active community engagement.

BMZ:

The Federal Ministry of Economic Cooperation and Development, abbreviated as BMZ, is a cabinet-level ministry of the Federal Republic of Germany. Founded in 1961, the Ministry works to encourage economic development within Germany and in other countries through international cooperation and partnerships. It cooperates with German international organizations involved in development including the International Monetary Fund, World Bank, and the United Nations.

World Vision Germany:

World Vision Germany was founded in 1979 as a child-focused humanitarian organisation working in the fields of development, relief and advocacy. More than 160,000 German sponsors currently support long-term programs benefiting the sponsored children as well as their families and communities. Through private donations and public funds WV Germany implements more than 300 projects in 50 countries in different sectors; such as Child Protection, Education, Livelihood, Health, Nutrition, WASH.

World Vision India:

World Vision India is one of the country's largest child-focused humanitarian organisations working through development, relief and advocacy, to create lasting change in the lives of children, their families, and communities living in poverty and injustice. With over six decades of experience at the grassroots, we employ proven, effective development, public engagement and relief practices empowering vulnerable children and communities living in contexts of poverty and injustice to become self-sufficient and bring lasting change. We serve children regardless of religion, race, ethnicity or gender. World Vision India works in 143 districts impacting around 26 lakh children and their families in over 6200 communities spread across 24 states and 2 union territories to address issues affecting children in partnership with governments, civil societies, donors and corporates.

PECUC:

Peoples' Cultural Centre (PECUC) is a child rights focused organization founded in 1990. Since last three decades, PECUC has been continuously working for children, their parents, Grandparents, families & communities to empower & enable them for leading a life of dignity. PECUC has implemented more than 135 projects and programmes in 30 districts of Odisha, 4 districts of Delhi and facilitated various campaigns at country level under different themes. PECUC has prioritised on different thematic issues i.e. Child Rights, Women Empowerment, Livelihood, Health, Hygiene and Sanitation, Rights of the Older Persons, Emergency Management & Climate Change Adaptation, Governance & Democracy, Youth Empowerment and Persons with Disabilities; implemented projects & programmes directly and in partnership with civil society organisations, communities, Government, and National, International organisations.



**National Secretariat of National Action & Coordination Group
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